

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE: — *There is one Extraordinary issue to the Official Gazette, Series I No. 39 dated 26-12-1991 with the date 30-12-91 from pgs. 437 to 438 regarding Notifications from Urban Development Department.*

GOVERNMENT OF GOA

Department of Personnel

Notification

1/4/90-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules relating to recruitment to the Goa General Service, Group 'B' Gazetted post, in the Directorate of Food & Drugs Administration, Government of Goa, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Directorate of Food & Drugs Administration, Group 'B', Gazetted post, Recruitment Rules, 1991.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letters No. COM/II/13/56 (2)/91 dated 28-5-1991.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).
Panaji, 31st July, 1991.

SCHEDULE

Name/designation of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Junior Scientific Officer (Drugs)	2 (1991) Subject to variation dependent on workload	Goa General Service Group 'B' Gazetted	Rs. 2000-60-2300-EB-75-3200-100-3500	Selection	Not exceeding 35 years (relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government)	No	<p><i>Essential:</i></p> <p>Graduate in Pharmacy or Pharmaceutical Chemistry of a recognised University and has not less than 5 years of experience in the testing of drugs in a laboratory under the control of (i) a Government Analyst appointed under the Act or (ii) Approved testing laboratory under the Drugs and Cosmetics Act and Rules framed thereunder or (iii) in a testing laboratory of a reputed manufacturer of drugs licensed under the Drugs and Cosmetics Act and Rules framed thereunder</p> <p><i>OR</i></p> <p>Post-Graduate in Pharmacy or Pharmaceutical Chemistry of a recognised University and has not less than 3 years experience, after post graduation in testing of drugs in a laboratory under the control of (i) a Government Analyst appointed under the Act or (ii) Approved testing laboratory under Drugs and Cosmetics Act and Rules framed thereunder or (iii) In testing laboratory of a reputed manufacturer of drugs licensed under the Drugs and Cosmetics Act and Rules framed thereunder.</p>	Age: No Qualification: Yes	2 years	By promotion failing which by direct recruitment	Promotion: Chemist with 5 years regular service in the grade	Group 'B' D. P. C. consisting of: — 1. Chairman/Member, G.P.S.C. — Chairman 2. Chief Secretary or his nominee — Member 3. Administrative Secretary/Head of Department — Member (For promotion and confirmation)	As required under the G.P.S.C. (Exemption from Consultation) Regulations 1988. Consultation with the G. P. S. C. necessary while making direct recruitment, promotion, confirmation selecting an officer for appointment on deputation and amending/relaxing any of the provisions of these Rules.

Department of Science, Technology and Environment

Notification

14-1-88-STE

In exercise of the powers conferred by clause (a) of sub-section 2 of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the Government of Goa, after consultation with the Goa State Pollution Control Board, hereby alters the air pollution control areas declared vide Notification No. GSR 765(E), dated 16.11.84 of the Department of Environment, Government of India, by extending the same to the remaining area of the State of Goa, with effect from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary to the Government of Goa, S. T. E. Department.

Panaji, 20th December, 1991.

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Law (Legal and Legislative Affairs) Department

Notification

10-6-90/LA

The Special Protection Group (Amendment) Act, 1991 (Central Act 48 of 1991) which was passed by Parliament and assented to by the President of India on 25.9.1991 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25.9.1991, is hereby published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 13th December, 1991.

The Special Protection Group (Amendment) Act, 1991

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ACT

to amend the Special Protection Group Act, 1988.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Special Protection Group (Amendment) Act, 1991.

2. *Amendment of long title.*— In the Special Protection Group Act, 1988 (hereinafter referred to as the principal Act), in the long title, for the words “members of his immediate family”, the words “former Prime Ministers of India and members of their immediate families” shall be substituted. 34 of 1988

3. *Amendment of section 2.*— In section 2 of the principal Act, in clause (a), for the words “his immediate family”, the words “his immediate family or a former Prime Minister and the members of his immediate family” shall be substituted.

4. *Amendment of section 4.*— For sub-section (1) of section 4 of the principal Act, the following shall be substituted, namely:—

“(1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to—

(i) the Prime Minister and the members of his immediate family; and

Desirable:

(i) Experience as Chemical Analyst or work in the analysing of Narcotics, Drugs and Psychotropic substance under the Narcotics Drugs and Psychotropic Substance Act 1985 and Rules framed thereunder (ii) Knowledge of Konkani and/or Marathi.

(ii) any former Prime Minister or to the members of his immediate family for a period of five years from the date on which the former Prime Minister ceased to hold the office of the Prime Minister:

Provided that any Former Prime Minister or any member of the immediate family of the Prime Minister or of a former Prime Minister may decline such proximate security."

Notification

10-6-90/LA

The Code of Criminal Procedure (Amendment) Act, 1991 (Central Act 43 of 1991) which was passed by Parliament and assented to by the President of India on 19-9-1991 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19-9-1991, is hereby published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).
Panaji, 13th December, 1991.

The Code of Criminal Procedure (Amendment) Act, 1991

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further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 2nd day of May, 1991.

2. *Amendment of section 197.*—In section 197 of the Code of Criminal Procedure, 1973,—

2 of 1974

(a) in sub-section (1), to clause (b), the following proviso shall be added, namely:—

'Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted.'

(b) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(3A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(3B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance taken by a court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991, receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in the State, shall be invalid and it shall be competent for the Central Government in such matter to accord sanction and for the court to take cognizance thereon."

Notification

10-6-90/LA

The Voluntary Deposits (Immunities and Exemptions) Act, 1991 (Central Act 47 of 1991) which was passed by Parliament and assented to by the President of India on 20-9-1991 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 20-9-1991, is hereby published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).
Panaji, 13th December, 1991.

The Voluntary Deposits (Immunities and Exemptions) Act, 1991

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ACT

to provide for certain immunities to persons making voluntary deposits with the National Housing Bank and for certain exemptions from direct taxes in relation to such deposits and for matters connected therewith or incidental thereto.

Whereas for effective economic and social planning it is necessary to canalise for certain social objectives black money which has become a serious threat to the national economy;

And whereas with a view to such canalisation, the Central Government has decided to allow voluntary deposits being made with the National Housing Bank in accordance with a scheme to be formulated by that Bank whereunder forty per cent. of the amount of such deposits will be credited to a special fund to be created for financing slum clearance and low cost housing for the poor and sixty per cent. of the amount of such deposits can be utilised by the depositors for purposes specified by them;

And whereas it is expedient to provide for certain immunities and exemptions to render it possible for persons in possession of black money to make such deposits;

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and extent.—(1) This Act may be called the Voluntary Deposits (Immunities and Exemptions) Act, 1991.

(2) It extends to the whole of India.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) “deposit” means a voluntary deposit made by any person with the National Housing Bank in accordance with the scheme on or after the commencement of this Act but before the specified date.

Explanation. — For the purposes of this clause, “specified date” means the 1st day of December, 1991 or such other later date as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(b) “National Housing Bank” means the National Housing Bank established under section 3 of the National Housing Bank Act, 1987; 53 of 1987

(c) “net deposit” means sixty per cent. of the amount of deposit made by any person with the National Housing Bank in accordance with the scheme;

(d) “person” includes —

- (i) an individual,
- (ii) a Hindu undivided family,
- (iii) a company,
- (iv) a firm,

(v) an association of persons or a body of individuals, whether incorporated or not, and

(vi) every artificial juridical person, not falling within any of the preceding sub-clauses,

but does not include a local authority;

(e) “scheme” means a scheme formulated by the National Housing Bank under the National Housing Bank Act, 1987 for the purpose of enabling — 53 of 1987

(i) any person to make deposit with that Bank;

(ii) such Bank to credit forty per cent. of the amount of such deposit to a special fund created for financing slum clearance and low cost housing for the poor; and

(iii) the depositor to utilise the net deposit for any purpose specified by him;

(f) all other words and expressions used in this Act but not defined and defined in the Income-tax Act, 1961 43 of 1961 shall have the meanings respectively assigned to them in that Act.

3. *Immunities.* — (1) Notwithstanding anything contained in any other law for the time being in force, —

(a) no person, who has made a deposit with the National Housing Bank in accordance with the scheme, shall be required to disclose, for any purpose whatsoever, the nature and source of the deposit;

(b) no inquiry or investigation shall be commenced against any person under any such law on the ground that he has made the deposit;

(c) the fact that a person has made the deposit shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any such law.

(2) Nothing in sub-section (1) shall apply in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, the Narcotic Drugs and Psychotropic Substances Act, 1985, the Terrorist and Disruptive Activities (Prevention) Act, 1987, the Prevention of Corruption Act, 1988 or for the purpose of enforcement of any civil liability. 45 of 1986, 61 of 1985, 28 of 1987, 49 of 1988

4. *Deposit not to be taken into account in certain cases.* — Without prejudice to the generality of the provisions of section 3, —

(a) the deposit shall not be taken into account for the purpose of any proceeding under the Income-tax Act, 1961 and, in particular, the depositor shall not be entitled to claim any set-off or relief in any assessment, re-assessment, appeal, reference or other proceeding under that Act or to re-open any assessment or re-assessment made under that Act on the ground that he has made such deposit. 43 of 1961

Explanation. — For the avoidance of doubt, it is hereby declared that the provisions of the Income-tax Act, 1961 will apply to any income which accrues or arises or is deemed to accrue or arise to the depositor from the amount of the net deposit; 43 of 1961

(b) the deposit shall not form part of the assets of any assessee for the purposes of computing his net wealth under the Wealth-tax Act, 1957 in relation to any assessment year commencing before the 1st day of April, 1992. 27 of 1957

5. *Amendment of Act 53 of 1987.* — In the National Housing Bank Act, 1987. —

(a) in section 14, —

(i) in clause (b), after the words “scheduled banks”, the words “or to any authority established by or under any Central, State or Provincial Act and engaged in slum clearance” shall be inserted;

(ii) after clause (h), the following clause shall be inserted, namely: —

“(hh) formulating a scheme for the purpose of accepting deposits referred to in clause (a) of section 2 of the Voluntary Deposits (Immunities and Exemptions) Act, 1991 and crediting forty per cent. of the amount of such deposits to a special fund created under section 37;”;

(b) in section 15, in sub-section (1), to clause (c), the following proviso shall be added, namely: —

“Provided that nothing contained in this clause shall apply to deposits accepted under the scheme formulated by the Bank in pursuance of clause (hh) of section 14;”;

(c) in section 55, in sub-section (5), for the word “regulation”, wherever it occurs, the words “regulation or scheme” shall be substituted.

Notification

LA/B/2886/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 12-12-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 17th December, 1991.

THE GOA SUPPLEMENTARY APPROPRIATION BILL, 1991

(Bill No. 16 of 1991)

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 1991-92.

BE it enacted by the Legislative Assembly of Goa in the Forty-Second Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Goa Supplementary Appropriation Act, 1991.

2. Issue of Rs. 2,59,47,316 out of the Consolidated Fund of the State of Goa for the financial year 1991-92.—From and out of the Consolidated Fund of the State of Goa there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of two crores fifty nine lakhs forty seven thousand three hundred and sixteen rupees towards defraying the several charges which will come in course of payment during the financial year 1991-92 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE

(See Sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of Goa	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
2.	General Administration ...	20,00,000	—	20,00,000
3.	Administration of Justice and Elections ...	66,74,700	—	66,74,700
4.	Revenue Administration ...	5,00,000	—	5,00,000
14.	Education, Sports, Art and Culture	20,98,000	1,52,323	22,50,323
15.	Medical and Family Welfare ...	—	40,250	40,250
16.	Water Supply and Sanitation ...	—	1,14,600	1,14,600
17.	Urban Development ...	95,78,270	—	95,78,270
19.	Social Welfare and Nutrition ...	68,000	—	68,000
21.	Agriculture ...	1,19,000	3,05,123	4,24,123
26.	Cooperation and Marketing ...	20,00,000	5,37,592	25,37,592
29.	Irrigation and Flood Control ...	—	78,958	78,958
32.	Ports and Inland Water Transport	—	2,90,500	2,90,500
34.	Tourism ...	13,90,000	—	13,90,000
	Total ...	2,44,27,970	15,19,346	2,59,47,316

Financial Memorandum

Provision is made in the Bill to appropriate for certain services and purposes expressed in the Schedule during the financial year ending 31st March, 1992 a sum of Rs. 2,59,47,316 over and above the amounts granted for those services for the financial year 1991-92. The amount mentioned above consists of Rs. 2,19,71,812 on Revenue Account and Rs. 39,75,504 on Capital Account.

This Bill is introduced in pursuance of Article 205(1) read with 204 of the Constitution of India to provide for the Supplementary Appropriation out of the Consolidated Fund of the State of Goa of the moneys required to meet the amounts required on certain services during the financial year, 1991-92 in excess of the amounts granted for those services.

Panaji,
December, 1991.

RAVI S. NAIK
Chief Minister

Legislative Assembly of Goa

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BILL

To give effect to the financial proposal of the State of Goa for the financial year 1991-92.

The Governor has, in pursuance of clauses (1) and (3) of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

M. M. NAIK
Secretary, Legislature Department